

ORIGINAL



0000118727

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

KRISTIN K. MAYES - Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

2010 OCT 12 A 10:15

OCT 12 2010

DOCKET CONTROL

DOCKETED BY

[Signature]

IN THE MATTER OF THE APPLICATION
OF ENERGY ASSET HOLDINGS LLC FOR
APPROVAL OF A SOLAR SERVICES
AGREEMENT.

DOCKET NO. E-20744A-10-0212

PROCEDURAL ORDER

BY THE COMMISSION:

On May 24, 2010, Energy Asset Holdings LLC ("EAH") filed with the Arizona Corporation Commission ("Commission") an application for Approval of a Solar Services Agreement ("SSA").

On July 12, 2010, the Commission issued Decision No. 71795 which addressed a previous application by SolarCity Corporation ("SolarCity") seeking an adjudication that it was not acting as a public service corporation when it provides solar services to Arizona schools, governments, and non-profit entities by means of an SSA. In Decision No. 71795, the Commission found that when SolarCity provides services to schools, governments, or other non-profit entities pursuant to an SSA, it is not acting as a public service corporation.

On August 20, 2010, the Commission's Utilities Division ("Staff") filed a memorandum in this docket stating that the EAH SSA includes the installation of solar facilities at a customer's premises and provides service to non-profits, schools, or governments similar to the SolarCity SSA that was the subject of Decision No. 71795. In light of the Commission's findings in Decision No. 71795, Staff recommended that the Commission issue an order closing this docket.

On August 30, 2010, a procedural order was issued directing EAH to file in this docket a statement averring whether it agrees with Staff's assessment that the contract at issue in this docket is substantially similar to the SSA at issue in Decision No. 71795, and with Staff's recommendation to close the docket.

On September 14, 2010, EAH filed a response to the August 30, 2010, Procedural Order

1 stating that EAH agrees with Staff's opinion that Commission Decision No. 71795 controls the
2 disposition of the instant docket and that this docket should be closed.

3 Good cause has been shown for administrative closure of this docket.

4 IT IS THEREFORE ORDERED that **Docket No. E-20744A-10-0212** is hereby
5 **administratively closed.**

6 Dated this 8th day of October, 2010.

8
9 
JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed
11 this 8th day of October, 2010 to:

12 Court Rich
13 M. Ryan Hurley
14 ROSE LAW GROUP PC
15 6613 North Scottsdale Road, Suite 200
16 Scottsdale, AZ 85250
17 Attorneys for EAH

18 Janice Alward, Chief Counsel
19 Legal Division
20 ARIZONA CORPORATION COMMISSION
21 1200 West Washington Street
22 Phoenix, AZ 85007

23 Steven M. Olea, Director
24 Utilities Division
25 ARIZONA CORPORATION COMMISSION
26 1200 West Washington Street
27 Phoenix, AZ 85007

28 By: 
Jane Rodda